

Attorney's Docket No. 032326-035
Application No. 09/462,925
Page 2

however, the Advisory Action states that claims 2, 3, 7-11, 13, 17-21, 23 and 24 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (merging the dependent claims with independent claims where possible" (emphasis in original). The refusal to enter the prior Amendment is not understood in light of this statement, since this is exactly what the Applicants did.

Specifically, claim 2 depended from claim 1. Therefore, it was rewritten in independent form, by incorporating all of the limitations of claim 1 into claim 2, i.e. the dependent and independent claims were merged.

Claim 3 depended from claim 1, and therefore it was placed in independent form in the same manner, by incorporating all of the subject matter of claim 1 into claim 3. Since claim 3 depended directly from claim 1, there are no intervening claims, and therefore there was no additional subject matter that needed to be incorporated into claim 3 to place it in proper independent form.

The same holds true for each of claims 7, 10 and 11. Each of these claims depended directly from claim 1, and therefore were placed in independent form by incorporating the subject matter of claim 1 into each of them. There were no intervening claims whose subject matter needed to be incorporated into them, to place them in proper independent form.

Accordingly, it is respectfully submitted that the Amendment filed September 19, 2005, strictly followed the statement of allowability that was presented in the Office Action dated June 17, 2005, and repeated in the Advisory Action dated October 27, 2005. If the Examiner did not, in fact, intend to convey that each of claims 2, 3, 7-11, 13, 17-21, 23 and 24 was allowable, it is respectfully submitted that it is unfair to deny entry of an

Attorney's Docket No. 032326-035
Application No. 09/462,925
Page 3

Amendment that follows the stated instruction and issue an Advisory Action. If the statement of allowability is not consistent with the Examiner's intentions, despite the fact that it is repeated in the Advisory Action, it is respectfully submitted that the proper course of action would be to reopen prosecution and issue a new Office Action which sets forth the Examiner's true intentions. According to the current record, the Applicants have complied with the statements set forth in both the Office Action and the Advisory Action, and it is not apparent from the record why the Amendment was not entered and the application passed to issue. Applicants should not be forced into filing an Appeal simply to have the record clarified.

Applicants respectfully request reconsideration of the Amendment filed September 19, 2005, and reopening of prosecution if the Amendment does not place the application in condition for allowance, so that the record can be clarified.

Since the Amendment filed September 19, 2005 was timely filed, it is believed that no payment for a two month extension of time is required. However, if it is found that payment is required, please charge any appropriate fees to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: November 11, 2005

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TOTAL P. 04